



# Staff Discipline, Conduct and Grievance Policy

Approved by: Trust board  
Approval date: 20/05/2019  
Date of Review: 20/05/2020  
(Annually)

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## DISCIPLINARY PROCEDURE FOR THE ACADEMY BASED STAFF

### 1. INTRODUCTION

1.1. This disciplinary procedure applies to all staff appointed by The Great Schools Trust

### 2. GENERAL PRINCIPLES

2.1. This procedure was originally drawn up by Leeds City Council HR in Collective Agreement with recognised trade unions to comply with the ACAS Code of Practice "Disciplinary Practice and Procedures in Employment", and the ACAS advisory handbook "Discipline at Work" 1987 which complements the existing ACAS Code of Practice. It is intended to provide a system which can deal speedily with disciplinary matters whilst ensuring that the principles of natural justice are preserved. The policy and procedure has since been amended to omit the reference to LCC HR to that of the Trust HR where appropriate.

2.2. The procedure also complies with DfE Keeping Children Safe in Education Part Four on how to manage child protection allegations against staff.

2.3. TRADE UNION OFFICIALS Note should be made of the position of trade union officers since the ACAS Code of Practice requires that no formal action should be taken in respect of the conduct of such an officer until the circumstances of the case have been discussed with a senior trade union representative or full time official.

### 3. MANAGEMENT OF STAFF

3.1. All staff (except the Executive Headteacher/Head of School)

3.1.1. The day to day supervision of staff is part of the normal managerial process. In most cases the supervisor is the Head of School. It is important therefore that the immediate supervisor clarifies with employees the duties to be performed and the standards expected. On receipt of a complaint, the Executive Headteacher/Head of School should first assess if the possible disciplinary matter can be dealt with informally. If this is done there is likely to be less recourse to the formal procedures.

3.2. Executive Headteacher/Head of School

3.2.1. Where a matter of concern involves the Executive Headteacher/Head of School it is for the governing body to determine who would be the most appropriate person to deal with the matter, e.g.:



3.2.1.1. a member of the governing body such as the Chair or Vice Chair. However it should be noted that this may prevent that governor from taking part in any subsequent disciplinary procedure if the matter resulted in a disciplinary hearing;

3.2.1.2. the Director of HR for the academy;

3.2.1.3. some other qualified person such as another Executive Headteacher/ Head of School could act as a counsellor. Once it has been decided who should carry out the counselling a meeting should be called in line with Paragraph 4.

3.2.2. That person would be deemed to be the nominated person.

#### 4. COUNSELLING

4.1. If an immediate superior has a concern about an employee's standards of conduct, it should be brought to the attention of the employee at the earliest possible opportunity. Where such a meeting takes place, the supervisor /nominated person should explain at the meeting to the employee the area(s) of concern and give the employee the opportunity to respond.

4.2. It is important that the supervisor/nominated person tries to establish if there are any mitigating circumstances that may have contributed to the employee's conduct. The supervisor/nominated person should deal sympathetically with the employee but at the same time ensure that the employee is in no doubt as to the conduct required.

4.3. This form of counselling is considered as being outside the formal disciplinary procedures but clearly a supervisor would wish to consider the extent of such counselling before invoking formal procedures.

4.4. All Staff (except the Executive Headteacher/Head of School) Where the Executive Headteacher/Head of School has assessed that the matter cannot be dealt with informally he/she will initiate and administer the disciplinary procedure.

4.5. Executive Headteacher/Head of School Where the nominated person has assessed that the matter cannot be dealt with informally he/she will inform the governing body who will initiate and administer the disciplinary procedure.

#### 5. ALLEGATIONS OF PHYSICAL/SEXUAL ABUSE

5.1. In some cases it may be appropriate to involve the police, particularly in cases involving alleged child abuse. It may also be appropriate where an alleged criminal act has taken place. Advice on these matters should be sought from the Director of HR and the LADO as appropriate.

#### 6. STAGES OF THE FORMAL PROCEDURE



- 6.1. The circumstances of the possible disciplinary matter should be examined by an Investigating Officer, who should be a person with no involvement whatsoever in the matter under investigation.
- 6.2. This person, to be nominated by the Executive Headteacher/Head of School, should, wherever possible, be a senior member of the academy's staff. The Executive Headteacher/Head of School should not be the Investigating Officer, unless there are exceptional circumstances.
- 6.3. His/her brief will be to establish the facts of the case. All investigations will be undertaken in the strictest confidence.
- 6.4. As part of the investigation a meeting should be arranged with the employee as soon as possible who will have been advised beforehand that he/she may be accompanied by a trade union representative or any other person of his/her choice.
- 6.5. At the meeting, the Investigating Officer should present the allegation(s) to the employee who should be invited to respond in full and to any other information submitted by the Investigating Officer.
- 6.6. In some cases, particularly those of a complex nature, the employee may require an adjournment to consult his/her representative. This may be of a short nature or it may be necessary for the meeting to be re-arranged to allow the employee time to consider his/her response.
- 6.7. In some circumstances it may be necessary to re-interview the employee or witness in seeking to establish the facts.
- 6.8. The investigation should be conducted as soon as possible. If it is not completed within ten working days, the employee will be informed why the investigation is not complete and given regular information as to how the investigation is progressing.
- 6.9. When the investigation is complete the Investigating Officer will determine the appropriate action and a written report should be prepared on the facts of the case which will include a list of every individual who has been interviewed, together with records of interviews, and any other evidence. These will be made available to all parties should a disciplinary hearing ensue.
- 6.10. The Investigating Officer in consultation with a member of the Trust Human Resources Team should decide and advise the employee accordingly that he/she intends to:
  - 6.10.1. take no further action under the disciplinary procedure;
  - 6.10.2. convene a disciplinary hearing before the Executive Headteacher in cases of alleged misconduct;
  - 6.10.3. refer to the Governors Disciplinary Sub-Committee in the following cases:



- 6.10.3.1. Cases of alleged gross misconduct
- 6.10.3.2. Cases of cumulative misconduct 5
- 6.10.3.3. Where the Executive Headteacher cannot hear the case because he has prior knowledge of the case or has acted as investigating officer or is required as a witness.
- 6.10.3.4. Where the subject of the investigation is the Executive Headteacher whether the case is misconduct, cumulative misconduct or gross misconduct.
- 6.11. In some cases it may be appropriate to meet the employee to discuss the outcome. The employee may be accompanied or represented by a trade union representative or any other person of his/her choice.
- 6.12. In all cases, after the investigative process has been completed and the Investigating Officer has consulted with the appropriate Human Resources Officer from the Trust, the member of staff must be informed immediately in writing of the decision taken by the Investigating Officer.
- 6.13. If the employee has been suspended and it is not intended to proceed with any form of disciplinary action, the suspension should be lifted immediately by the Executive Headteacher/Head of School/Governing Body. The Executive Headteacher/Head of School/Chair of Governors should meet the member of staff to discuss the member of staff's return to work.
- 6.14. In the event of no further action being taken, no record of the interview will be kept on the member of staff's file.
- 6.15. Other than in the event of dismissal, the Executive Headteacher/Head of School/nominated person should ensure the opportunity for informal counselling. This could be used to give appropriate guidance, support and reassurance and to help rebuild, where necessary a member of staff's confidence. There may also be a need for specific guidance and sympathetic consideration may need to be given to other employment options, in consultation with the Trust HR team.
- 6.16. If disciplinary action is to be taken, the Investigating Officer's report will be made available to all parties